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(4)

No. 87-281

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1987

No. 84-5627, No. 84-5770 and No. 84-5946

Henry Crawford, et. al.
Respondents

v. CA 83-0780

La Boucherie Bernard et. al.

—o—

No. 84-5628, 84-5771, and No. 84-5947

Raymond Donovan, Secretary of
U.S. Department of Labor
Respondent

v. CA 83-0940

Bernard H. Goldstein, et. al.
Petitioners

— o —

SUPPLEMENT FOR
PETITION FOR CERTIORARI TO THE U.S. COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

— o — —o—

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EDITOR'S NOTE

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QUESTIONS PRESENTED

5. Whether the condition had developed deliberately or inadvertently, can the Federal Courts permit the timing, orchestrating and even manipulating of the FRCPs, FRAPs and RICO to result in litigants like Goldstein (and even the Profit Sharing Plan) being caught in "Procedural traps" so that they can be effectively denied procedural due process of law which defacto results in confiscating millions of dollars of their property and in that sense depriving them of substantive due process in violation of the 5th (Fifth) Amendment.

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SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI UNDER RULE 22.6

Pursuant to Rule 22.6 of this Court by this Supplement to the Goldstein's Petition for a Writ of Certiorari in No. 87-281, Goldstein requests and urgently suggests that the current scheduled conference on Nov. 6, 1987 for review of this Petition No. 87-281 be deferred until 1988 for the following reasons:

1. As confirmed by statements and reasons below and for reasons in Questions Presented 5 as stated on p. (i) above, the current scheduled Nov. 6, 1987 conference for No. 87-281 should be deferred.

2. The BRIL Partnership Real Estate which is involved in the Goldstein Certiorari Petition No. 87-281 has a current market value by a sale on No. 6, 1986 of over $2,500,000. (Fairfax County

Va. Deed Record 6542, p. 1980), and is the subject of a new appeal in U.S. Appellate Court (D.C.) in No. 37-5297 which was docketed on 10/28/87.

3. As a result of the above, the current Petition in No. 87-281 is interlocutory in fact with respect to this overall litigation, and should be reviewed in the light of the new developments stated in para. 4 below, and this is especially true of the Rule 60(b) Motion and its related issues.

4. While the appeals were pending in Federal Courts in No. 87-281 and while the Bril Real Estate involved in those appeals was in the custody of a federal court receivership and a federal receiver, that receiver permitted the real estate to be sold at foreclosure sale on 2/27/86 for only $530,000 contrary to U.S. Supreme Court Case law making such a sale void or voidable as stated in Issacs v. Hobbs Tie

and Timber Co, (1931). 282 US 734, 735, 736 and Ex. Parte Taylor (1983) 14 US, 164, 13 S Ct. 785.1* Goldstein in 1987 by complaint attempted to establish a constructive trust in favor of the BRIL Partnership for the benefit of himself and the Plan. A constructive trust on the BRIL Real Estate and the Windfall Profits in the posession of Mr. Hurst and Mr. Dolan as a result of 2/27/85 and 11/6/86 sales. The District Court dismissed the complaint and Appeal No. 87-5297 was docketed in the Appellate Court on 10/28/87. At stake are millions of dollars not only for Goldstein, but also for the BRIL Real Estate Partnership, and for the Profit Sharing Plan.

1* Also involved is Durret v. Washington National Insur. Co.(CC-DC 1980) 621 F2d 201 because current market value of the BRIL Real Estate was about 5 times the foreclosure sale as disclosed by sales records.

5. The interrelationship of these appeals is important to all litigants. The facts in this Appeal No. 37-5297 are not in dispute.

WHEREFORE, Petitioner Goldstein requests and suggests: (1) that the scheduled conference for Nov. 6, 1987, No. 87-281, be deferred and (2) that Petitioner be directed to present to this Supreme Court by Supplemental Brief under Rule 22.6 the details of the undisputed facts involved in the related Appeal No. 87-5297.

Respectfully submitted,

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